IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 490 OF 2007

Mohan Krishnadas Desai ..Applicant
V/s
Th State of Maharashtra ..Respondent.

Mr. M.S. Mohite, Advocate for the applicant.

Mrs, M.H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 2ND MARCH, 2007.

P.C.

. Heard Mr. Mohite, learned Counsel for the applicant and Mrs. Mhatre , learned APP for the State. The applicant seeks anticipatory bail in Crime No. 214/2006 registered at Ambad Police Station Nashik for the offence punishable under section 420, 465, 467, 468 and 120B r/w section 34 of Indian Penal Code.

2. The offfence is registered on a report lodged by one Narendra Singh Yadav, the son of original owner Santrabai, who alleged that the property belonging to his mother had been unlawfully taken possession of by the present applicant on the basis of forged document of sale. According to the applicant, he had purchased this property for valuable consideration of Rs. 1,94,000/-

under registered sale deed after giving a public notice before the purchase. According to him, he had given public notice even before entering into agreement with the vendor Santrabai Yadav. Santrabai Yadav executed power of attorney in favour of one Dinesh Sonu Nahire, who executed the sale deed. The original sale deed under which the said Santrabai had purchased the property, was also handed over to him. According to the applicant, if somebody impersonated as Santrabai, the applicant had no knowledge about it and he is bonafide purchaser. He has also produced all the original documents for perusal of this Court, which prima facie indicate that the applicant may be bonafide purchaser for consideration. Mrs. Mhatre, learned A.P.P. makes a statement that the custody of the present applicant is required only for the production of documents. In my opinion, in view of the above circumstances, the custodial interrogation of applicant is not required. The purpose of production of documents can be served, if the applicant is directed to make himself available to police for interrogation and investigation.

3. In the event of arrest in Crime No.214/2006 registered at Ambad Police Station the applicant shall

be released on his executing P.R. of Rs. 10,000/- with a surety in like amount with conditions that he shall make himself available to the police as and when required for the purpose of interrogation. He shall fully cooperate with the police and also produce the Xerox copies of the relevant documents to the police and shall also produce the original documents for perusal of the police, if so required.

(J.H. BHATIA, J.)